

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

JECOREY MATTHEWS) JURY TRIAL DEMANDED
Plaintiff,)
)
v.) Case No. CIV-21-837-D
)
LVNV FUNDING LLC and NATIONAL)
CREDIT ADJUSTERS LLC,)
Defendants.)
)

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, an individual consumer, against Defendants, LVNV Funding LLC (“LVNV”) and National Credit Adjusters LLC (“NCA”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair collection practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact business in Oklahoma

City, Oklahoma County, Oklahoma, and the conduct complained of occurred in Oklahoma City, Oklahoma County, Oklahoma.

III. PARTIES

3. Plaintiff is a natural person residing in Oklahoma City, Oklahoma County, Oklahoma. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant LVNV is a South Carolina corporation with its principal place of business located at 200 Meeting St, Ste. 206, Charleston, SC 29401. Defendant LVNV's registered agent for service of process in Oklahoma is Corporation Service Company, 10300 Greenbriar Place, Oklahoma City, OK 73159.
5. Upon information and belief, Defendant NCA is a Kansas corporation with its principal place of business located at 327 W 4th Ave, Hutchinson, KS 67501. Defendant NCA's registered agent for service of process in Oklahoma is Corporation Service Company, 10300 Greenbriar Place, Oklahoma City, OK 73159.
6. Defendants LVNV and NCA are engaged in the collection of debt from consumers using the mail and telephone. Defendants' regularly attempt to collect consumer debt alleged to be due to another.

IV. FACTS OF THE COMPLAINT

7. Defendants LVNV and NCA are “debt collectors” as defined by the FDCPA, 15 U.S.C 1692a(6).
8. On or about October 22, 2020, Plaintiff reviewed his credit report on “credit karma.”
9. On the report, Plaintiff observed a trade line from Defendants LVNV and NCA.
10. Defendant LVNV furnished a trade line of \$733.00, allegedly owed to Webbank Fingerhut.
11. Defendant NCA furnished a trade line of \$3,599.00, allegedly owed to Finwise Bank CO Rise.
12. On October 22, 2020, Plaintiff made a dispute to Defendants via telephone, however on July 2, 2021 Plaintiff re-checked his credit reports and observed that Defendants failed to communicate that the debt was disputed.
13. Defendant’s publishing of such inaccurate and incomplete information has severely damaged the personal and credit reputation of Plaintiff by lowering Plaintiff’s FICO scores, causing severe humiliation, emotional distress and mental anguish.

V. FIRST CLAIM FOR RELIEF 15 U.S.C. §1692e(8)

14. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
15. The Defendant’s violated the FDCPA.
16. The Defendant’s violations include, but are not limited to, the following:

Defendant's violated 15 U.S.C § 1692e(8) of the FDCPA by failing to disclose to the consumer reporting agencies that alleged debts were in dispute by Plaintiff.

17. As a result of the above violation of the FDCPA, the Defendants are liable to Plaintiff for actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Defendant's for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

Dated: August 24, 2021

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